

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LOIS ROGERS-WRIGHT,

Plaintiff,

v.

NEW HANOVER AVIS RENT-A-CAR,  
INC., and AVIS RENT-A-CAR SYSTEM

Defendants.

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CIVIL ACTION No. 02-\_\_\_\_\_

**NOTICE OF REMOVAL**

TO THE CLERK OF THE COURT:

**PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. § 1446(a), defendant New Hanover Rent-A-Car, Inc. (“New Hanover”),<sup>1</sup> by its undersigned attorneys, hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas of Philadelphia County, Pennsylvania, where it is now pending.

The grounds for removal to the United States District Court for the Eastern District of Pennsylvania are as follows:

1. Plaintiff Lola Rogers-Wright<sup>2</sup> (“plaintiff” or “Rogers-Wright”) filed a Complaint against defendants New Hanover and Avis Rent-A-Car System, Inc. (“Avis”) (collectively “defendants”) in the Philadelphia County Court of Common Pleas on or about May 3, 2002, captioned as *Lois Rogers-Wright v. New Hanover Avis Rent-A-Car, Inc. and Avis Rent-A-Car*

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<sup>1</sup> New Hanover is incorrectly identified as “New Hanover Avis Rent-A-Car, Inc.” in the caption of plaintiff’s Complaint.

<sup>2</sup> Plaintiff is incorrectly identified as “Lois Rogers-Wright” in the caption of plaintiff’s Complaint.

*System*, June Term 2001 No. 3116. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

2. New Hanover's counsel was served with a copy of said Complaint on or about May 3, 2002 via facsimile.

3. New Hanover contends that the method of service of said Complaint was improper and without effect, so that the thirty-day period for removal has not yet begun to run. By filing this Notice of Removal, New Hanover does not waive any objections or defenses it may have, including objections to jurisdiction and service of process.

4. Plaintiff's Complaint establishes that its right to relief necessarily depends on the resolution of a violation of federal civil rights law. Accordingly, this Court has jurisdiction of the case pursuant to 28 U.S.C. §§ 1331 and 1443(a), and it is subject to removal pursuant to 28 U.S.C. § 1441(a).

5. Independently, this is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this Court by New Hanover pursuant to 28 U.S.C. § 1441(a), in that it is a civil action between citizens of different states and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Plaintiff admits she is an individual residing in Philadelphia, Pennsylvania.  
(Complaint, at ¶ 1.)

7. Defendant New Hanover is a North Carolina corporation with its principal place of business in Wilmington, North Carolina. (Complaint, at ¶ 2.)

8. Upon information and belief, defendant Avis is a Delaware corporation with its principal place of business at 900 Old Country Road, Garden City, New York. (Complaint, at ¶ 3.)

9. The plaintiff and all defendants are citizens of different states.

10. In Count I of the Complaint, which purports to state a claim for violations of 42 U.S.C. § 1981, plaintiff alleges that “[a]s a direct and proximate result of defendant’s conduct as herein alleged, plaintiff endured severe mental and emotional pain and suffering, . . .” (Complaint, at ¶ 13.) Count I seeks compensatory damages “in excess of the sum of Fifty Thousand Dollars (\$50,000.00).” (*Id.* at 3.) Plaintiff also claims punitive damages for defendant’s alleged conduct. (*Id.* at ¶ 15.)

11. In Count II of the Complaint, which purports to state a claim for violations of North Carolina General Statute § 75B-1 *et seq.*, plaintiff requests compensatory damages “in excess of the sum of Fifty Thousand Dollars (\$50,000.00).” (Complaint, at 4.) In addition, North Carolina General Statute § 75B-4 provides for an award of treble damages, which plaintiff is seeking as part of her relief. (Complaint, at ¶ 19.)

12. Moreover, plaintiff’s counsel has separately represented to defendants’ counsel that plaintiff’s alleged damages exceed \$75,000.00.

13. Based upon the demand for compensatory damages set forth in the Complaint, plaintiff’s request for punitive damages, the possibility of treble damages and plaintiff’s counsel’s representations, New Hanover has a good faith belief, and hereby asserts, that the amount in controversy in this action exceeds the jurisdictional minimum of \$75,000.00, exclusive of interest and costs.

14. This Notice is timely filed pursuant to 28 U.S.C. §1446(b) in that it is being filed within thirty days after New Hanover received a copy of the initial pleading setting forth the claims on which the action is based. *See Murphy Brothers, Inc. v. Michetti Pipestringing, Inc.*, 526 U.S. 344 (1999).

15. New Hanover will give prompt written notice to plaintiff and Avis of the filing of this Notice of Removal as required by 28 U.S.C. §1446(d).

16. New Hanover will promptly file a true and correct copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Philadelphia County as required by 28 U.S.C. §1446(d).

17. By removing the above-captioned case to this Court, New Hanover does not waive any of the defenses available to it.

18. New Hanover has attached hereto as Exhibits "A" and "B" the only pleadings presently on file in the state court action as required by 28 U.S.C. §1446(a).

WHEREFORE, New Hanover respectfully requests that the action now pending against it in the Court of Common Pleas of Philadelphia County be removed therefrom and proceed in this Court as an action properly removed to it.

Respectfully submitted,

Dated: May \_\_\_, 2002

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Craig D. Mills (Pa. Bar No. 81331)  
Brian J. McCormick, Jr. (Pa. Bar No. 81437)  
**BUCHANAN INGERSOLL, P.C.**  
Eleven Penn Center, 14th Floor  
1835 Market Street  
Philadelphia, PA 19103-2985  
Telephone: (215) 665-8700

Attorneys for Defendant New Hanover  
Rent-A-Car, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Notice of Removal has this \_\_\_\_ day of May, 2002, been transmitted by U.S. First Class Mail to the following attorneys of record for the parties:

Jack M. Bernard, Esquire  
2121 Land Title Building  
100 South Broad Street  
Philadelphia, PA 19110

Bridget E. Montgomery, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, Floor 8  
Harrisburg, PA 17101

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Brian J. McCormick, Jr.

**BUCHANAN INGERSOLL  
PROFESSIONAL CORPORATION**

BY: Craig D. Mills

Brian J. McCormick, Jr.

Identification Nos. 81331 and 81437

Eleven Penn Center, 14th Floor

1835 Market Street

Philadelphia, PA 19103-2985

(215) 665-8700

Attorneys for Defendant  
New Hanover Rent-A-Car, Inc.

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LOIS ROGERS-WRIGHT,

Plaintiff,

v.

NEW HANOVER AVIS RENT-A-CAR, INC. &  
AVIS RENT-A-CAR SYSTEM,

Defendants.

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COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CIVIL ACTION - LAW

JUNE TERM, 2001

NO. 3116

**NOTICE TO PROTHONOTARY OF PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS OF FILING OF NOTICE OF REMOVAL**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §1446, defendant New Hanover Avis Rent-A-Car, Inc. filed a Notice of Removal of this action with the United States District Court for the Eastern District of Pennsylvania on May 29, 2002, to effectuate the removal of this action to federal court. The Civil Action Number in the United States District Court for the Eastern District of Pennsylvania is 02-CV-3350. Accordingly, no further proceedings should be had in this matter in the Court of Common Pleas, Philadelphia County, Pennsylvania.

A true and correct copy of said Notice of Removal is attached to this Notice as Exhibit “1” and is served and filed herewith.

Respectfully submitted,

Dated: May 31, 2002

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Craig D. Mills (Pa. Bar No. 81331)  
Brian J. McCormick, Jr. (Pa. Bar No. 81437)  
BUCHANAN INGERSOLL, P.C.  
Eleven Penn Center, 14th Floor  
1835 Market Street  
Philadelphia, PA 19103-2985  
Telephone: (215) 665-8700

Attorneys for Defendant New Hanover  
Rent-A-Car, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Notice to Prothonotary of Filing Notice of Removal has this 31st day of May, 2002, been transmitted by U.S. First Class Mail to the following attorneys of record for the parties:

Jack M. Bernard, Esquire  
2121 Land Title Building  
100 South Broad Street  
Philadelphia, PA 19110

Bridget E. Montgomery, Esquire  
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